



CITY OF DURHAM | NORTH CAROLINA

Date: June 7, 2011

To: Thomas J. Bonfield, City Manager
Through: Theodore L. Voorhees, Deputy City Manager
From: Ed Venable, Manager of Engineering and Stormwater Services
Robert N. Joyner, Assistant Engineering and Stormwater Services Manager
Subject: Agenda Item – License Agreement with HRH of NC, LLC

Executive Summary

HRH of NC, LLC proposes to install underground 1.25" HDPE conduit and 24-strand single-mode optical fiber cable for the sole use of Licensee. The conduit and cable shall be located within the public right-of-way, crossing a city-maintained portion of University Drive, from 3510 University Drive to 3511 University Drive (see attached vicinity map).

Recommendation

The Department of Public Works recommends that the City Council authorize the City Manager to enter into a license agreement with HRH of NC, LLC, for private fiber optic cable within University Drive right-of-way

Background

A license agreement is required when an entity proposed to install an item, such as a private utility, the City does not maintain in the public right-of-way.

Issues/Analysis

Any feature in the right-of-way has the potential to pose a hazard to the public, and to increase liability to the licensee. To the maximum extent allowed by law, Licensee shall indemnify and save harmless indemnities from and against all Charges that arise in any manner from, in connection with, or out of this license.

Alternatives

City Council can choose not to approve the request.

Financial Impact

The Developer shall bear all the cost of the improvements and there shall be no participation in the cost by the City.

SDBE Summary

The SDBE Summary is not applicable for this item.